Advisory Committee
on Store Hours

Report of the Advisory Committee on Store Hours

March, 1992

92-05580/

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March 31, 1992

Honourable Carol Carson
Minister of Community Services
Room 303
Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Madam:

We have the honour to submit the Report of the Advisory Committee on Store Hours in accordance with a Minister's Order dated January 30, 1992.

The Advisory Committee on store hours held ten public hearings throughout Saskatchewan between February 18 and March 4, 1992. A broad cross section of the public and interested organizations made submissions to the Committee. We received well over 100 formal oral and written submissions as well as many informal comments from those who attended the hearings.

The issue of Sunday shopping received by far the most interest and attention at our hearings. Two distinct views were expressed on this topic.

Many individuals and groups expressed the opinion that Sunday should be observed as a uniform day of rest, on which retail stores would be closed throughout the province.

On the other hand, a significant number of submissions supported deregulation of Sunday shopping. A variation on this theme, expressed by some large retailers, was the view that fair competition in the retail marketplace was the objective - whether this is achieved by complete deregulation or by strong enforcement of Sunday closing for all but the smallest stores.

A clear majority of these that come before us felt that if store hours are to be regulated in Saskatchewan, then the provincial level of government should assume the responsibility both for regulation and enforcement.

... 2

The report and recommendations deal with a number of other topics including holiday store hours and cross-border shopping. The reasons for the various views expressed before our Committee are outlined in our report.

Our recommendations reflect the fact that current store hours in Saskatchewan are largely deregulated in practice. We recognize the need for preserving a uniform pause period in balance with a system of extended store hours, to meet the needs of Saskatchewan residents.

Our recommendations reflect a spirit of compromise, of fairness and balance that, we believe, best meets the needs of all of the people of Saskatchewan at the present time.

However, the retail sector is undergoing enormous change. In this regard, our recommendations call for a review of new store hours legislation within three years.

Yours truly,

Ernest C. Boychuk
Chairperson

Committee Members:

Ted Cholod

Ed Magis

Kevin Fyrk

Bob McNab

Rod Gantefoer

Lynda Newson

PREFACE

On January 30, 1992, the Minister of Community Services, the Honourable Carol Carson appointed the Advisory Committee on Store Hours by Minister's Order. The Order designated the Committee members and set out the terms of reference.

1. Makeup of Advisory Committee

The membership of the Committee was broadly based -- members included representatives of municipalities, business, employees and consumers.

CHAIRPERSON

Ernest C. Boychuk, Former Chief Judge of the Provincial Court of Saskatchewan

MEMBERS

Ted Cholod, President, Saskatchewan Urban Municipalities Association (SUMA)

Kevin Fyrk, Vice President, Saskatchewan Federation of Labour

Rod Gantefoer, Businessman

Ed Magis, Educator

Bob McNab, Businessman

Lynda Newson, Consumers Association of Canada, (Saskatchewan Branch) and President, Provincial Council of Women.

2. Mandate of the Committee

The mandate of the Committee is set out in a Minster's Order of January 30, 1992:

> The Minister's Advisory Committee on Store Hours shall conduct a review of the practices and legislation respecting the shopping hours of retail stores in Saskatchewan.
>
> The committee shall examine the existing legislative framework and municipal bylaws that regulate store hours in Saskatchewan, including enforcement practices. In carrying out its mandate, the committee shall consult with the public and interested groups and organizations.
>
> Without restricting the generality of the foregoing, the committee shall review the following particular topics, as well as any matter referred to it by the Minister:
>
> - Sunday shopping
> - holiday shopping
> - evening shopping
> - legislation respecting provincial or municipal enforcement of store hours
> - the interests of consumers
> - the interests of retail businesses, including the issue of fairness as between stores required by law to close and stores permitted to remain open
> - the interests of retail employees
> - the interests of small communities
> - the interests of religious minorities
> - the interests of tenant stores in shopping malls
> - services to tourists
> - cross-border shopping
> - results of recent municipal plebiscites
> - the impact on store hours in urban and northern municipalities of store hours practices in neighboring rural, urban or northern municipalities
>
> The committee shall conclude its work and provide a report of its deliberations, including its recommendations to the Minister on or before March 31, 1992.

3. Committee Hearings

The Committee held ten public hearings throughout the province, at the following locations:

Feb. 18 (evening)	Melfort
Feb. 19 (evening)	Prince Albert
Feb. 20 (evening)	Yorkton
Feb. 24 (evening)	Swift Current
Feb. 25 (evening)	Kindersley
Feb. 26 (evening)	North Battleford
Feb. 27 (afternoon and evening)	Saskatoon
Mar. 2 (evening)	Estevan
Mar. 3 (afternoon and evening)	Regina
Mar. 4 (evening)	Moose Jaw

Approximately 40 oral submissions were made to the committee. Seventy-six written submissions were received.

Appendix 2 lists the individuals and groups that made oral or written submissions.

In addition to the submissions listed, many informal comments were made by the public to the Committee at the hearings. The hearings were conducted in an informal atmosphere and the Committee extended its adjournment time on a number of occasions so that all submissions could be heard.

4. Acknowledgements

We wish to thank the many individuals and groups who attended the Committee hearings, some of whom gave us their views and others who came as interested observers. Similarly, those who provided us with written briefs were most helpful to our review of the subject.

We appreciate the assistance the Committee received from government specialists from several departments who responded to our questions regarding the constitutional matters, enforcement, labour standards, pensions, retailing, tourism, cross-border shopping and other subjects.

A special thank you is also extended to the government staff who gave support to the Committee - to Jim Anderson who provided liaison between the Committee and the Department of Community Services and assisted the Committee with valuable background information and in preparation of this report. Also to Roxy Ermel, Betty Maze, Gale Bobbee, Susan Royko, Lynn McQuirter and Fran Ullman of the Department who assisted with timely and efficient secretarial support.

EXECUTIVE SUMMARY

The Advisory Committee on Store Hours was appointed by the Honourable Carol Carson, Minister of Community Services on January 30, 1992 to review the issue of store hours in Saskatchewan.

The Committee, comprised of representatives of business, municipalities, labour, education and consumers held ten public hearings throughout Saskatchewan between February 18 and March 4, 1992. Well over one hundred submissions were made to the Committee by a cross-section of groups and individuals.

The Committee reviewed the issues set out in its terms of reference with the public as well as with government specialists. This report contains twelve recommendations which are summarized below.

1. **Regulation or Deregulation**

   We believe that the retail industry involves an activity unlike most others - it encompasses the entire community as consumers, retail employees or retailers. Retail employees are usually part time workers and female.

   New legislation is needed which would balance the needs of consumers for extended shopping hours with the interests of retail businesses; and the needs of employees to spend a reasonable period of time away from their work to practice their religious beliefs and spend quality time with their families.

   Retail stores are mostly family owned businesses. Neither the employees nor the small store owner would be ensured a weekly period of rest in a completely unregulated marketplace.

   On the other hand, we believe that extended shopping hours are necessary in Saskatchewan to meet the needs of the modern family, particularly the two-income family and recognize as well that the retail industry is largely deregulated in this province at the present time.

   We therefore recommend that the Government should pass legislation to ensure a moderate and uniform system of store hours regulation throughout Saskatchewan.

2. **Provincial or Municipal Regulation or Enforcement**

   There is a distinct lack of uniformity in regulation and enforcement of store hours in Saskatchewan. Most cities no longer regulate store hours, nor does the province.

   The consistent theme in briefs presented to the Committee was that local enforcement of store hours regulations is not practical or desireable. The Committee favours a uniform, consistently enforced system of regulation.

Our recommendation is that the provincial government should:

a) assume the entire responsibility for regulating and enforcing store hours legislation;
b) ensure that the Department of Justice is allocated sufficient human and financial resources to carry out this new task; and
c) strengthen the penalties provisions of the legislation to provide for minimum fines and fines that escalate according to the gross sales of the store opening contrary to the legislation.

3. Sunday Shopping

The Committee did not hear a convincing case for completely unregulated Sunday shopping. While extended shopping hours are a growing reality and respond to some important needs of modern families, particularly those in which both husband and wife work outside the home, we believe that a period of pause in the retail sector on Sundays and holidays is necessary.

While some moderate limits are necessary, Sunday shopping should not be completely restricted in light of the practical realities we face - i.e., a largely unregulated retail marketplace and a shift in public preferences in some centres toward Sunday shopping.

Accordingly we recommend that provincial legislation should be passed to permit all retail stores throughout Saskatchewan to remain open between l:00 p.m. and 5:00 p.m. on Sundays. However, all stores except those under 500 square metres in size should be required to close from midnight on Saturday to l:00 p.m. on Sunday and from 5:00 p.m. on Sunday to midnight on Sunday. The new legislation shall retain the existing Sabbatarian exemption.

4. Holiday Shopping

A number of briefs called for a continuation of the current restrictions on holiday shopping to be consistently enforced.

The ten holidays listed in the current legislation are, New Year's Day, Good Friday, Easter Sunday, Canada Day, the First Monday in August, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

We recommend that the province regulate and enforce store hours on holidays to be listed in revamped legislation and that stores over 500 metres in size be required to close. The existing provision allowing municipalities to declare Boxing Day a civic holiday for the purpose of closing stores should be repealed.

5. **Weekday and Weekday Evening Store Hours**

While removing from legislation the authority to regulate weekday and weekday evening shopping would create further deregulation, the Committee feels that this liberalization of store hours is necessary to meet the demand for extended shopping hours and in order to ensure uniformity and fairness between small and large communities.

New store hours legislation should not restrict weekday or weekday evening shopping in any way.

6. **Shopping Malls**

Independent retailers in shopping malls told the Committee that they wanted the current protection afforded them by the legislation.

In this regard the Committee recommends that legislation should continue to offer protection to stores located in shopping malls.

7. **Tourists**

Tourism is an important industry in Saskatchewan and it is closely associated with the retail sector. The government should ensure greater emphasis is placed on Saskatchewan's shopping facilities and amenities in its tourism promotion campaigns.

8. **Cross-Border Shopping**

Extended shopping hours in the United States and Alberta probably contributed to the recent increase in cross-border shopping, but factors such as the federal Goods and Services Tax (GST), the relatively high exchange rate of the Canadian dollar, the lower costs to U.S. retailers in terms of wages and transportation and different marketing strategies were more important.

The government should develop an information program outlining the social benefits, such as medicare, accruing to Saskatchewan residents when shopping at home, not to mention assisting our retail sector.

9. **Part time Employees and Pension Benefits in the Retail Sector**

We welcome the recent indication by the Minister of Human Resources, Labour and Employment to set up a panel to review part time employment. In addition to the high ratio of part time employees in the retail sector, we are concerned about the absence of a universal pension plan for part time employees in retail stores.

The government should consider solutions to problems posed by the high proportion of part time workers in the retail sector in its upcoming review of the minimum wage and part time employment. The government should also consider the question of ensuring a salary premium for retail employees who work on Sundays.

The government should ensure that part time retail employees and their employers make mandatory contributions to the Saskatchewan Pension Plan in order to provide a measure of financial security in retirement to retail employees in addition to that provided by the Canada Pension Plan.

10. **Assisting the Small Retail Business Sector**

Small retail businesses should receive up to date information that would otherwise be available only to larger businesses that can hire consultants and marketing experts - for example, marketing trends and consumer trends. The knowledge and expertise of retail specialists should be offered on a regional basis to Saskatchewan's small retailers. The government should work with small retail businesses, co-operatives and employees to initiate educational and related programs, offered on a regional basis, to assist the small retail sector to achieve the best possible level of marketing and service.

11. **A Sunset Clause for New Legislation**

The Committee has identified crucial issues for retail employees, small retailers, communities and consumers - all of which are vitally affected by the presence or absence of store hours regulation. We believe a sunset clause or automatic expiry date for the legislation is needed to ensure the Saskatchewan public that its elected leaders will review this area in depth within a few years to meet these concerns. The government should incorporate a "sunset clause" in the new Bill that would cause the new legislation on store hours to expire three years after the Bill comes into force.

REPORT AND RECOMMENDATIONS

I. REGULATION OR DEREGULATION

1. Current Situation in Saskatchewan

a) Extent of Deregulation

The Committee found that the shopping hours of retail stores in Saskatchewan are largely deregulated at the present time.

Nine of Saskatchewan's twelve cities have now removed restrictions on Sunday shopping. Similarly, over 80% of towns and villages have no bylaws regulating Sunday store hours.[1]

Holiday shopping is also largely unregulated - only four of the twelve cities attempt to enforce holiday closing regulations.

Bylaw restrictions on weekday evening shopping have disappeared in most cities during the past five years, though some control of evening shopping hours has been retained in a number of villages, towns and some smaller cities.

Stores in rural municipalities are now unregulated, since the authority for rural municipal councils to regulate retail store hours was repealed by the government in 1990.

b) Reasons for Deregulation

Erosion of shopping hours restrictions began in earnest in Saskatchewan and Canada in 1985 with the decision of the Supreme Court of Canada striking down the federal Lord's Day Act - on the grounds that it violated the freedom of religion guarantees of the Canadian Charter of Rights and Freedoms. This decision opened the door to numerous legal challenges by large retailers to provincial store hours legislation and local bylaws based on that legislation. A municipal solicitor writing in a newsletter of the Municipal Law Section of the Canadian Bar Association has identified over 20 such court cases in Saskatchewan since 1985, which involved hundreds of charges laid against retail stores.[2]

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1 Appendix 1 shows the extent of deregulation in cities. Data on towns and villages is taken from a survey by the Department of Community Services of 1990.

2 Neil Robertson, "Saskatchewan Store Wars", Newsletter, Municipal Law Section, Canadian Bar Association (Saskatchewan), March, 1990 (updated in 1991) and interview with Neil Robertson, March, 1992.

A number of other reasons for deregulation can be noted:

- Changes within the retail trade, a trend toward "cross-merchandising" by large grocery and drug stores selling a variety of goods and enjoying the extended opening hours of a "convenience" store. This triggered a campaign by larger retail stores to meet this competition with extended hours of operation.

- Changing social patterns, particularly the increase in two income families and single parent families, leading to a demand for increased shopping opportunities.

- Delegation of provincial store hours regulation to municipalities in Saskatchewan in 1988.

- The policy of local (municipal) enforcement of store hours regulation held by successive provincial governments in Saskatchewan.

- The difficulty of local enforcement of shopping hours restrictions due to the complexity of the marketplace, the cost of prosecution and the vulnerability of local bylaws to legal challenge.

- The continuing campaign by large retailers to have store hours bylaws and legislation struck down by the courts in order to protect or extend their market share.

- Inter-municipal competition, whereby extended shopping hours in one municipality would result in deregulation in neighboring municipalities.

- Local plebiscites favouring Sunday shopping.

2. Other Jurisdictions

The Committee examined the issue of regulation versus deregulation in other jurisdictions - Ontario, the three other western provinces and North Dakota.

British Columbia and Alberta have for a number of years delegated to municipalities the responsibility for regulating store hours - with the result that virtually all stores are unregulated as to hours of operation on Sundays and holidays. North Dakota is similarly "wide open", although a campaign to place the Sunday shopping issue on the ballot in the upcoming state primary election is underway.

Manitoba regulates Sunday and holiday shopping, limiting all stores opening on these days to a maximum of four employees. However, the Manitoba government is now under pressure to relax its restrictions in the face of cross-border shopping.

Ontario recently passed legislation strengthening its restrictions on Sunday and holiday shopping, while permitting Sunday opening of stores during the pre-Christmas period. However, Ontario currently faces a constitutional challenge to its Sunday closing regulations that is now before the Supreme Court of Canada.

In Manitoba and Ontario, in contrast to Saskatchewan, the provincial governments enforce shopping hours regulations.

3. Submissions to the Committee

Oral and written submissions to the Committee revealed that the Saskatchewan public is divided on the question of the regulation of store hours.

Plebiscites were held in four cities in October, 1991. Three resulted in support for Sunday shopping while one supported a weekly day of rest.

Yet, a large number of towns and villages appear to support provincial enforcement of a common pause day as evidenced by a resolution of the delegates to the 1992 annual convention of the Saskatchewan Urban Municipalities (SUMA) convention.

At the Committee hearings most citizens and small retailers in smaller communities who presented petitions and oral presentations to us supported continued regulation of Sunday store hours, while opinion was divided on this issue at the hearings in larger urban centres.

4. The Committee's View

a) Is Some Regulation Necessary?

The retail industry ecompasses the entire community as shoppers, retail employees or retailers. The retail industry is therefore an activity unlike most others.

In terms of numbers of businesses, the retail trade is second only to the service sector. One in five businesses in Saskatchewan is a retail operation. Some 87.3% of Saskatchewan's 6,000 retail businesses are family owned.[3]

Improvements to labour legislation, while important, will not likely be adequate to ensure that retail employees have sufficient time away from their work to spend time with their families. Similarly, small retailers do not have sufficient resources to ensure them a period of rest away from their stores.

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3 Saskatchewan Economic Diversification and Trade, Small Business in Saskatchewan (August, 1991) and Statistics Canada data provide by Economic Diversification and Trade.

The retail sector employs a large number of people who are in the majority women, part time and non-union. The non-union employees who work in smaller retail shops are usually paid little more than the minimum wage.

b) Moderate Regulation Recommended

The Committee does not advocate a return to the strict regulation that prevailed in the past. It would not be advisable to re-impose extensive controls on the largely deregulated retail sector in Saskatchewan.

The results of three of the four plebiscites held in four Saskatchewan cities in October, 1991 revealed a shift toward public acceptance of extended shopping hours. Similarly, consumers are to some degree "voting with their feet" by shopping in significant numbers in many large stores during extended store hours.

Strict regulation would not be justified in light of strong competition from outside Saskatchewan's borders. There could also be a significant enforcement cost to return to a heavily regulated retail marketplace. Moreover, there is evidence of growing "self-regulation" in the retail market. Some stores are choosing to close on Sundays and evenings for business reasons, despite the absence of regulation.

For example, a representative of Regina's Market Square, a downtown business organization, said that while about 90% of downtown retail outlets open for business on Sundays during the pre-Christmas period, the large majority of them remain closed on Sundays during the rest of the year.

On the other hand, complete deregulation of store hours would not be advisable, for reasons outlined elsewhere in this report. For example, complete deregulation would not be in the interest of retail employees or small retail business owners, many of whom would be required to work on Sundays and some holidays in order to continue to make a living at the expense of maintaining a quality of life.

In our view, new legislation is needed which would balance the needs of consumers for extended shopping hours, with the interests of retail businesses, and employees to spend a reasonable period of time away from their work.

Accordingly, the Committee makes the following recommendation:

Recommendation 1

The government should pass legislation to ensure a moderate and uniform system of store hours regulation throughout Saskatchewan.

II. PROVINCIAL OR MUNICIPAL REGULATION AND ENFORCEMENT

1. Current Situation in Saskatchewan

Currently urban and northern municipalities have the authority to regulate store hours and enforce both legislation and bylaws in this area. The province removed itself almost entirely from setting store hours when it delegated this power to municipalities in 1988.

However, the province retains control over holiday shopping hours, subject to the municipal authority to exempt stores from provincial holiday closing requirements. Rural municipalities no longer have any authority to regulate the hours of operation of stores located in rural municipalities.

Generally, the provincial government in Saskatchewan has maintained that enforcement of store hours legislation and bylaws is a municipal responsibility. However, in recent years more municipalities are refusing the costly and complex task of prosecuting stores that remain open beyond the hours set out in legislation or bylaws.

Saskatchewan's legislation contains a penalty provision that sets a maximum fine of $10,000 for the first offence. There is no minimum penalty. For the second or subsequent offence, the penalty is not less than $1,000 and not more than $20,000.

2. Other Jurisdictions

The Ontario and Manitoba government enforce their store hours legislation as well as local bylaws. British Columbia also has a policy of provincial enforcement even though store hours regulation is entirely a municipal responsibility. Alberta leaves regulation up to municipalities and does not enforce local store hours bylaws.

The penalties for breach of store hours regulations are generally more onerous in Manitoba and Ontario than in Saskatchewan. Manitoba's legislation provides for a fine of not less than $1,000 and not more than $10,000 for the first offence. For a subsequent offence occurring within two years of a previous offence, the fine is not less than $10,000 and not more than $50,000.

In Ontario, the legislation sets out a maximum fine which is not more than the greater of $50,000 or the gross sales of the store on the day of the contravention. Minimum fines are set out as well - $500 for a first offence, $2,000 for the second and $5,000 for the third offence.

3. Submissions to the Committee

Most submissions to the Committee on this subject stressed the importance of provincial regulation and enforcement of store hours, as opposed to municipal involvement.

For example, the Executive Committee on the Regina City Council, in a letter to the Committee, stated;

> Store hours regulation should be affected and enforced at the Provincial (sic) level if it is to exist at all.

A retail chain made a similar point in its submission to the Committee:

> If there is to be any form of regulated store hours it seems logical that it should be done at a provincial level, given the extreme difficulties that municipalities have had in the past. Their bylaws have been extremely complicated and have left them open to a wide range of attack. In addition, municipalities have each had different bylaws and this causes a certain amount of confusion and lack of uniformity throughout the Province. The point is that consumers want reliability and predictability in store hours and this can only be achieved if the regulation occurs at a provincial level.

The City of Yorkton, which spent about $40,000 defending its store hours bylaw in the courts wrote to the Committee indicating that the City Council now has no intention of enforcing store hours regulation. Its submission went on to say:

> The City of Yorkton is of the opinion, however, that legislation on store hours be enacted by provincial statute and enforced by the provincial government so as to be consistent province-wide.

4. The Committee's Views

There is a distinct lack of uniformity in enforcement of store hours legislation and bylaws in Saskatchewan.

As Appendix 1 shows, most cities do not enforce provincial holiday closing legislation, nor does the provincial government. This leaves the issue in a legal limbo that is not conducive to maintaining respect for the law.

The "local option" on store hours regulation also creates a patchwork where, for example, Sunday opening is illegal in one municipality but legal in another. The absence of regulation in rural municipalities illustrates another inequity and anomaly in the application of store hours rules.

The Committee also feels that local enforcement of store hours legislation and bylaws is neither practical nor desirable in view of the resources required to uphold regulations in the face of the strong campaigns to challenge regulation of retail shopping hours legislation and bylaws. We note that other provinces are willing to devote the necessary resources to enforce the legislation they have put in place governing this issue.

The government should ensure that penalties for breach of store hours regulations are an effective deterrent. A minimum fine provision as well as fine levels that are tied to gross sales volume on the day or days of the infraction are necessary, so that no profit can be derived from violating the regulations.

The Committee favours a single statute governing stores in all regions of Saskatchewan. This would involve repeal of the store hours provisions currently found in The Urban Municipality Act, 1984 and The Northern Municipalities Act, to be replaced by a new Act that would deal with Sunday and holiday shopping only. Weekday and weekday evening shopping hours would be deregulated entirely. The new Bill we propose would apply to all stores in Saskatchewan, whether they are located in urban, rural or northern municipalities.

Recommendation 2

The provincial government should:

a) assume the entire responsibility for regulating and enforcing store hours legislation;

b) ensure that the Department of Justice is allocated sufficient human and financial resources to carry out this new task; and

c) strengthen the penalty provisions of the legislation to provide for minimum fines and fines that escalate according to the gross sales of the store opening contrary to the legislation.

III. SUNDAY SHOPPING

1. Current Situation in Saskatchewan

Most stores in Saskatchewan are currently free from any restrictions on Sunday shopping.

Nine of Saskatchewan's twelve cities do not control Sunday shopping, and over 80% of towns and villages do not regulate Sunday store hours.

This extensive deregulation has not always been voluntary. In Yorkton, for example, the city spent about $40,000 in legal costs attempting to enforce its Sunday closing bylaw.

On the other hand, Saskatoon, kept up a vigorous legal contest with large retailers for a number of years, but ceased regulating Sunday store hours in the wake of the October, 1991 plebiscite supporting Sunday opening.

Sunday shopping was further entrenched in Saskatchewan during the 1991 local elections, when three of four cities opted for Sunday opening - as illustrated in the following table.

Results of October, 1991 Plebiscites on Sunday Shopping

City	% in favour	% opposed
Saskatoon	56%	44%
Regina	66%	34%
Prince Albert	61%	39%
North Battleford	43%	57%

It is important to note that while restrictions to Sunday shopping may not exist in a community, nevertheless many of the stores may close for this traditional weekly day of rest. This is particularly true in smaller communities, but recently a number of stores in cities have chosen to close on Sundays for various business reasons.

Saskatchewan's existing legislation includes a Sabbatarian exemption. This is a provision that permits retailers whose stores do not exceed 500 square metres in size to open on Sundays if they close their stores on one other day in the preceding six days because they observe a Sabbath other than Sunday.

Sunday opening in this province has on occasion taken the form of "invitational", "members only" or "employee only" shopping. These practices represent attempts to get around Sunday shopping restrictions.

2. Other Jurisdictions

Sunday shopping is the norm in Alberta and British Columbia, even though municipalities have the legal authority to regulate Sunday hours. North Dakota has unrestricted Sunday shopping.[4] Manitoba permits stores operating with four employees or less to open on Sundays, while Ontario's new legislation requires a universal Sunday day of rest in the retail sector, with exceptions for certain stores selling "convenience" items or catering to tourists.

Manitoba and Ontario, like Saskatchewan, have a "Sabbatarian" exemption in their store hours legislation that permits retail establishments to open on Sunday if they close their stores on another day of the week. This is to allow persons (retailers) of minority religious faiths to observe their Sabbath on a day other than Sunday. The Supreme Court of Canada has ruled that this is an essential feature of any store hours legislation, in order to meet the requirements of religious freedoms guaranteed by the Charter of Rights and Freedoms.

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4 However, there is a campaign taking place in North Dakota by some groups opposed to Sunday shopping to place the issue before the voters in the upcoming state-wide primary elections.

Submissions to the Committee

People who made submissions to the Committee were often divided on the issue of Sunday shopping. However, this issue was by far the most important concern expressed before our Committee.

In the smaller communities where we held hearings, the majority of individuals and groups who met with us favoured a common pause day on which all stores except small convenience stores, drug stores, service stations and the like would be required to close. Generally, this group of people felt that the same rules should be applied on a uniform basis across the province. They pointed out that closing stores in a small centre was not very meaningful if stores in a neighbouring city were permitted to open.

On the other hand, many submissions we heard in the larger cities suggested that the issue should have been settled by the three city plebiscites favouring deregulation of Sunday shopping. A number of submissions came from former opponents of Sunday opening, who said that social and economic changes as well as the competition of cross-border shopping made Sunday shopping a necessity for the continued viability of retailers.

Small town retailers expressed the concern that extended hours in cities would attract rural shoppers to the larger centres, reducing their share of the retail market and the viability of the smaller communities.

Individuals and representatives of ministerial associations told the Committee that stores should be required to close on Sundays to permit worship and to enhance family and community life. Individual employees and labour organizations expressed a desire for a weekly day of rest in the retail sector to permit employees a uniform period away from the workplace so that members of families could spend time together.

The Committee heard that stores and shopping centres serve additional purposes unrelated to shopping and therefore the hours of operation of these establishments have a broader social dimension. For example, malls are used by teenagers, senior citizens and those who live alone in urban communities to meet other people and socialize.

The shopping centre and stores themselves thus serve some of the functions of the town square or the town market of earlier times. This role of retail establishments has taken on some importance and provides social benefits, particularly in view of Saskatchewan's climate.

4. The Committee's View

The Committee did not hear a convincing case for completely unregulated Sunday shopping. While extended shopping hours are a growing reality and respond to some important needs of modern families, particularly those in which both husband and wife work outside the home, we believe that a period of pause in the retail sector on Sundays and holidays is necessary.

As shopping is an activity that affects the whole of society on a daily basis, there is justification for some measure of government regulation in this area to protect and enhance important public values. Taken together, the concerns expressed to us regarding the impact of wide open shopping on social, spiritual and family values, as well as the impact on retail employees and small retail businesses, suggest that some moderate limits on store hours is in the public interest.

While we believe there should be a legislated uniform pause period, we recognize that smaller stores must be allowed to remain open to serve the basic needs of the community. We believe the small exempt store must be defined only in terms of size, since restricting the number of employees (as in Manitoba) or the types of goods sold (as in Ontario) seriously hampers the small retailer from providing adequate service to the consumer. The current legislation sets out a reasonable size criterion - 500 square metres - respecting exempt stores for purposes of the Sabbatarian exemption.

We suggest that only those retail establishments that are clearly "stores" should be regulated. This would exclude restaurants, gas stations, greenhouses, implement dealers and the like.

The Sabbatarian exemption, an exemption given to small retailers who observe a Sabbath other than Sunday, should be preserved and enhanced by an amendment which recognizes the Sabbath.

The rural and urban retail marketplace is interdependent and should be regulated in a uniform manner. This interdependence is illustrated by the fact that 45% of the value of retail sales in Saskatchewan benefit retailers in the two largest cities of Saskatoon and Regina, while 60% of the retail dollar flows to the eight largest cities in the province.[5]

The Committee heard that extended hours in large urban centres have exerted pressure on smaller communities in the trading area to deregulate store hours. Similarly, wide open shopping hours in a store located in a rural municipality places competitive pressure on stores in the adjacent urban municipality to lobby for extended hours.

We have outlined in greater detail under the heading "Regulation or Deregulation" our views respecting the need for a balance between the need for extended shopping hours and the value of a common pause period during which store operators and retail employees may spend time with their families.

We believe it is impractical in view of the advanced extent of deregulation of Sunday closing and the social changes that are creating a demand for extended shopping hours to recommend legislation to close stores entirely on Sunday. We suggest a moderate and workable solution that would meet many of the concerns of retail employees, small business, small

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5 Data supplied by the Department of Economic Diversification and Trade based on The Financial Post, Canadian Markets, 1991.

communities and others. We recommend a system of regulation that would require all stores, except small exempt stores, to close from Saturday midnight until 1:00 p.m. on Sunday; stores would then be allowed to open between 1:00 p.m. and 5:00 p.m. on Sunday, but would be required to close at 5:00 p.m. until midnight on Sundays.

This system of regulation would protect Sunday morning for family and worship. It would also give those involved in the retail sector the evening to spend with their families.

Accordingly the Committee makes the following recommendation:

Recommendation 3

Provincial legislation should be passed to permit all retail stores throughout Saskatchewan to remain open between l:00 p.m. and 5:00 p.m. on Sundays. However, all stores except those under 500 square metres in size should be required to close from midnight on Saturday to l:00 p.m. on Sunday and from 5:00 p.m. on Sunday to midnight on Sunday. The new legislation shall retain the existing Sabbatarian exemption.

IV. HOLIDAY SHOPPING

1. Current Situation in Saskatchewan

The Urban Municipality Act, 1984 states that all stores must close on ten public holidays listed in the Act unless municipalities by bylaw permit them to open.

The holidays listed are: New Year's Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, the first Monday in August, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day. In addition, the Act requires stores to close on any day declared a civic holiday by a municipality. Municipal councils may authorize the mayor to declare Boxing Day (or any other day) a civic holiday in order to close stores on that day.

If municipalities choose not to exempt some stores from the holiday closing provisions, all stores must close or they are in breach of the Act - this includes drug stores, convenience stores, restaurants and service stations.

As Appendix 1 shows, most cities do not restrict holiday closing and since the province has not to date enforced its holiday closing legislation, stores in these centres are, in a sense, free to open on holidays.

However, Boxing day is a special case. Eight of the twelve cities chose to restrict store opening on Boxing Day in 1991 but not all were willing to enforce it.

The Labour Standards Act sets out a somewhat different list of holidays, commonly known as "statutory holidays". These are 9 in number. They differ from the list of holidays in store hours legislation mentioned above in that Easter Sunday is not considered a holiday, nor is Boxing Day.

The holidays listed in The Labour Standards Act have a major effect on store hours in that this legislation requires employers to pay most employees holiday rates that include the regular wage plus "time and one half" for all hours worked on that day. This extra salary payable on holidays is likely a major factor in explaining the fact that most large stores close voluntarily on most "statutory" holidays under The Labour Standards Act.

2. Other Jurisdictions

Most other jurisdictions that regulate Sunday shopping, such as Ontario and Manitoba, also restrict shopping hours on holidays.

3. Submissions to the Committee

There was little comment at the Committee's hearings on the subject of holiday closing, compared to the discussion on Sunday store hours. This is no doubt due in part to the fact that Sunday shopping is an issue every week of the year while there are only ten holidays on which this question arises (eleven if municipalities declare Boxing Day a civic holiday).

However, some concern was expressed regarding the enforcement of restrictions on store opening on Boxing Day and Remembrance Day. For example, in a written submission, one retailer complained:

> Last year an independent store violated the (Boxing Day) bylaw, had an extremely successful retail selling day, pleaded guilty to the charges and was fined less than $300.00!. (Emphasis in original)

4. The Committee's View

The Committee feels that the holiday closing provisions should be retained in revamped legislation and applied uniformly across the province.

The discretion of municipalities to declare Boxing Day a civic holiday for the purpose of closing larger stores should be repealed. This local option provision is an exception to the principle of provincial regulation in this area. Moreover, Boxing Day is not considered a holiday for purposes of The Labour Standards Act. Deleting the municipal option provision would bring the list of holidays under labour law and store hours legislation into closer alignment. It would eliminate confusion and would bring to an end the situation whereby Boxing Day is a holiday in some communities but not others.

The same exemption for small stores under 500 square metres should apply to holidays as recommended above for Sundays.

Recommendation 4

The province should regulate and enforce store hours on holidays to be listed in revamped legislation and stores over 500 metres in size should be required to close. The existing provision allowing municipalities to declare Boxing Day a civic holiday for the purpose of closing stores should be repealed.

V. WEEKDAY AND WEEKDAY EVENING STORE HOURS

1. Current Situation in Saskatchewan

Store hours legislation currently permits municipalities to restrict weekday and weekday evening shopping.

However, Monday and Wednesday afternoon closing bylaws are now uncommon. Weekday evening closing bylaws have become less evident in the past few years, particularly in larger centres.

2. Other Jurisdictions

Most other jurisdictions surveyed regulate store hours on Sundays and holidays only.

3. Submission to the Committee

The Committee heard requests from some union representatives for continued regulation to restrict weekday evening shopping.

Some favourable references were made to the tradition of closing stores on Mondays or Wednesday afternoons each week.

A merchant in a medium sized city told the Committee that removing restrictions on evening shopping hours would permit local merchants to respond to particular needs, such as the periods when tourists and special events are expected to be in the community.

4. The Committee's View

While removing from legislation the authority to regulate weekday and weekday evening shopping would create further deregulation, the Committee feels that this liberalization of store hours is necessary to meet the demand for extended shopping hours and in order to ensure uniformity and fairness between small and large communities.

Removing the authority to restrict evening shopping is also in keeping with the Committee's view that municipalities should be granted their request to be free of the task of regulating and enforcing store hours.

Lifting the authority to restrict evening shopping also provides retailers and consumers with the flexibility to deal with the demand for evening shopping in December each year. This reform would also permit stores to open on weekday evenings if consumer demand was sufficient, thereby helping to keep local shoppers in their home communities.

Recommendation 5

New store hours legislation should not restrict weekday or weekday evening shopping in any way.

VI. SHOPPING MALLS

1. Current Situation in Saskatchewan

Existing legislation states that tenant stores in shopping malls cannot be required by the mall management to remain open more than 6 days in a week or 3 evenings per week. In other words, independent retailers who operate stores in malls are guaranteed one day of rest and four evenings on which they may close their stores.

2. Other Jurisdictions

No other jurisdiction surveyed had a similar provision in its legislation regarding stores in shopping malls.

3. Submissions to the Committee

Small retailers whose stores are located in shopping malls told the Committee that they wanted the protection provided by the existing legislation to continue.

An owner of a small store in a city shopping mall wrote to the Committee with this comment on the situation of retail tenants of malls;
"Our only protection is in the provincial law . . . "

4. The Committee's View

We believe the existing provisions regarding retailers maintaining a lease arrangement with shopping malls provides useful protection to small businesses and should be retained in new legislation.

Recommendation 6

Legislation should continue to offer protection to stores located in shopping malls.

VII. TOURISTS

1. Existing Situation in Saskatchewan

Unlike Ontario legislation, Saskatchewan's Urban Municipality Act does not authorize municipalities to designate tourist zones in which stores would be exempt from closing regulations.

Tourism is an important industry in Saskatchewan.
Non-resident tourism spending in Saskatchewan increased by over 80% between 1980 and 1990 to over $260 million dollars or 1.6% of the provincial gross domestic product (GDP).[6]

A 1990 survey of tourists from the United States and other provinces revealed that 44% ranked shopping as "not important" in making a decision as to their destination.

2. Other Jurisdictions

Of the jurisdictions we looked at, only Ontario provided special exemptions for stores in tourist zones from regular closing regulations.

3. Submissions to the Committee

We heard a number of small business representatives remark on the importance of providing shopping opportunities to tourists in Saskatchewan on Sundays, holidays and weekday evenings.

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6 Statistics supplied by the Department of Economic Diversification and Trade.

4. The Committee's View

We believe that extended shopping hours recommended in our report would increase retail services to tourists and thereby benefit the provincial and local economy. We do not think it is necessary to permit municipalities to exempt stores in tourist zones from regular closing requirements as restrictions on shopping hours will not be onerous under the proposed legislation when enacted.

Our recommendation for store hours throughout Saskatchewan will also enhance service to tourists by providing uniformity throughout the province.

We feel that the government should emphasize the many shopping facilities and opportunities Saskatchewan has to offer in its annual tourist promotion campaigns.

Recommendation 7

The government should give adequate emphasis to shopping opportunities that exist in Saskatchewan in its tourism promotion activities.

VIII. CROSS-BORDER SHOPPING

1. Current Situation in Saskatchewan

While cross border shopping is not a new phenomenon for Saskatchewan residents, it has increased significantly within the past year. For example, person trips to the United States from Saskatchewan increased by almost 30% between 1990 and 1991.

By comparison, Saskatchewan residents made only 0.8 trips per capita to the United States between January and September, 1991 compared to 2.7 for Ontario and 4.6 for British Columbia.[7]

Cross-border shopping in Alberta by Saskatchewan consumers is also a challenge to Saskatchewan retailers, though no reliable statistics are available.

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7 Based on Statistics Canada data provided by the Department of Finance.

Extended shopping hours in the United States and Alberta probably contributed to the recent increase in cross-border shopping, but factors such as the federal Goods and Services Tax (GST), the relatively high exchange rate of the Canadian dollar, the lower costs to U.S. retailers in terms of wages and transportation and different marketing strategies were more important.

The federal government recently made some policy adjustments to counteract cross-border shopping such as the removal of import duties on about 25 consumer products that are not made in Canada which will reduce costs on these items to Canadian retailers.

2. Other Jurisdictions

Most other jurisdictions in Canada experience loss of retail sales to the United States for reasons outlined above.

3. Submissions to the Committee

Most submissions that dealt with cross-border shopping conceded that extended shopping hours in the United States and Alberta is only one of many factors that encourage residents of Saskatchewan to cross our borders to shop. However, municipal and business leaders in some border communities strongly opposed any new legislation which would cause their stores to close during times when stores were open across the provincial boundaries. Similarly, a retail group in Regina warned that closing stores in the city would encourage some shoppers to make additional purchases in North Dakota.

The impact of the Provincial Sales Tax in the Kindersley and Lloydminster-North Battleford areas was mentioned as a cause for concern. One submission recommended that government consider rebating the PST on purchases made in Saskatchewan by shoppers from outside the province.

4. The Committee's View

We recognize that Sunday and holiday opening by North Dakota and Alberta stores is one of many factors that contribute to the recent upsurge in cross-border shopping. It is not as significant a factor, in our view, as the motivation provided shoppers by the imposition of the Goods and Services Tax and the special promotions aimed at Saskatchewan residents.

We believe that our recommendations to liberalize store hours regulations in Saskatchewan will lessen somewhat the impact of cross-border shopping.

However, cross-border shopping would have greater impact if the government were to require stores near our borders with the United States and Alberta to close completely on Sundays.

With respect to holidays, as we are recommending regulation of shopping only on ten holidays, some of which are not traditional shopping days in either the United States or Canada (such as Christmas Day and New Year's Day) we do not feel that this requirement will create a hardship for Saskatchewan retailers near our borders.

Recommendation 8

The government should develop an information program outlining the social benefits, such as medicare, accruing to Saskatchewan residents when shopping at home, not to mention assisting our retail sector.

IX. PART TIME EMPLOYEES AND PENSION BENEFITS IN THE RETAIL SECTOR

1. Current Situation in Saskatchewan

It is known that the retail sector employs a high proportion of part time employees. Most of these employees are women.

In 1991, 59,000 women worked part time (less than 30 hours per week) in this province in all sectors.

Seventy-four percent of those employed part time in Saskatchewan in 1991 were women, and the proportion in the retail trade is likely higher. Women are three times as likely to be working part time than men.[8]

Employers often provide benefits such as pension plans, dental plans, etc. to full time workers. These benefits may not be available to part time employees depending on local collective agreements or terms of employment. Employees working part time are afforded the same protection under The Labour Standards Act as full time employees. A number of collective agreements provide additional pay to employees working on Sundays.

The Labour Standards Act establishes a Minimum Wage Board that may "limit the number or proportion of employees in any establishment who may be paid as part time employees", this section of the Act has not been used for over 20 years.

The Minister of the Human Resources, Labour and Employment has indicated that either the Minimum Wage Board or another panel will be reviewing labour legislation within the next year, including a review of the conditions of work for part time employees.

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8 Statistics Canada and data provided by Saskatchewan Human Resources, Labour and Employment.

Employers in Saskatchewan are not required to provide pension plans to either full or part time employees, although full time workers are more likely to enjoy this benefit. The Saskatchewan Pension Plan offers a pension plan to part time workers and about 28% of the plan's 54,000 members work part time. Membership in the plan is voluntary and requires members to contribute to the plan.[9]

2. Other Jurisdictions

Saskatchewan government officials are not aware of any other jurisdiction in Canada or the United States that sets a ratio of part time to full time workers.

Ontario legislation provides retail employees the right to refuse Sunday and holiday work.

3. Submissions to the Committee

Several representatives of trade unions raised their concerns with the high proportion of part time to full time employees in the retail sector. They mentioned the possibility of legislating a ratio of part time/full time workers. More generally, they pointed out that part time workers usually enjoy fewer benefits than their full time counterparts. Trade unions informed us that extended store hours led to an increase in the proportion of part time staff employed.

On the other hand, some larger retail employers told the committee that many persons wish to work part time and to curtail Sunday shopping would force the stores to lay off significant numbers of part time employees.

4. The Committee's View

The Committee recognizes the circumstances that exist for part time and low paid employees in the retail sector. We welcome the recent indication by the Minister of Human Resources, Labour and Employment to set up a panel to review the issues surrounding part time employment.

We suggest that this review examine the merits of establishing a ratio of part time to full time employment. This would likely move some part time workers to full time status where they would enjoy benefits often provided to those who work full time.

We are particularly concerned with the absence of a universal pension plan for part time employees in retail stores. We feel that a retail worker may, for example, work most of their adult life in the retail trade for one or more employers, yet end up at retirement age with only limited Canada Pension Plan benefits.

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9 Data provided by the Saskatchewan Pension Plan, March 5, 1992.

Recommendation 9

The government should consider solutions to problems posed by the high proportion of part time workers in the retail sector in its upcoming review of the minimum wage and part time employment. The government should also consider the question of ensuring a salary premium for retail employees who work on Sundays.

Recommendation 10

The government should ensure that part time retail employees and their employers make mandatory contributions to the Saskatchewan Pension Plan in order to provide a measure of financial security in retirement for retail employees in addition to that provided by the Canada Pension Plan.

X. ASSISTING THE SMALL RETAIL BUSINESS SECTOR

1. Current Situation in Saskatchewan

The retail trade makes up almost 20% of the small business sector in Saskatchewan. There were approximately 30,000 small businesses in the province in 1988. About 93% of businesses in Saskatchewan in 1988 were small businesses. The small business sector, of which retailing is a part, is a very important part of Saskatchewan's economy. This sector, along with new businesses, was responsible for most of the new jobs created during the past decade and small businesses also survived the recession better than larger businesses.[10]

The Saskatchewan government through the Department of Economic Diversification and Trade currently offers programs to small business in the areas of management assistance, training, financing, marketing, tourism and research. There are eleven Business Resource Centres located in the province to provide this assistance.

2. Other Jurisdictions

A similar range of business assistance programs is generally provided by other jurisdictions.

3. Submissions to the Committee

A number of submissions focused on the strengths of small business, namely, the benefits of on-site management, and the personalized, more thorough service that small retailers can and do provide to their customers.

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10 Department of Economic Diversification and Trade, Small Business in Saskatchewan, August, 1991.

Requests for government encouragement and support of the small business sector were repeated in submissions before the Committee. A Chamber of Commerce representative of a small city, for example, told the committee:

> If our present provincial administration believes that small businesses are the backbone of our economy, both rural and urban, then we believe that the government must give great consideration to this area remembering that rural Saskatchewan must survive and to do this must preserve our present businesses which provide a large wage base to our economy.

Small retail business organizations told the Committee on a number of occasions of their willingness to work with the government to keep a viable small business sector. The Canadian Federation of Independent Grocers (CFIG) wrote to us, stating that:

> CFIG is committed to working with the Saskatchewan Government to achieve solutions to the problems facing the business community of rural Saskatchewan.

A retailing expert representing a major Canadian retailer suggested that courses be developed in Saskatchewan's regional post-secondary institutions and its universities to teach retailers and retail employees how to provide the best level of service and how to develop marketing strategies based on particular local strengths.

4. The Committee's View

We believe the government, in co-operation with small retail business and retail employees, should provide greater support for small business. Regional seminars and other programs would assist store operators and their employees to provide improved consumer service, thorough knowledge of the changing marketplace, identification of niche markets, identification and promotion of local and regional strengths.

Small retail businesses should receive up to date information that would otherwise be available only to larger businesses that can hire consultants and marketing experts - for example, marketing trends and consumer trends. The knowledge and expertise of retail specialists should be offered on a regional basis to Saskatchewan's small retailers.

Recommendation 11

The government should work with small retail businesses, co-operatives and employees to initiate educational and related programs, offered on a regional basis, to assist the small retail sector to achieve the best possible level of marketing and service.

XI. A Sunset Clause for New Legislation

1. Current Situation in Saskatchewan

There is no provision for automatic expiry of or "sunset" for existing store hours legislation in Saskatchewan.

2. Other Jurisdictions

The Committee did not find a "sunset clause" in the store hours legislation of other provinces.

3. Submissions to the Committee

The submissions to the Committee did not deal directly with this issue.

4. The Committee's View

The Committee believes that rapidly changing social conditions, values, and economics related to retailing requires a periodic in depth review of legislation governing shopping hours. The current recession, the difficult state of the economy, and the uncertainty to retail businesses and retail employees all suggest that our recommendations, based on current conditions may be in need of significant changes in the near future.

The Committee has identified crucial issues for retail employees, small retailers, communities and consumers - all of which are vitally affected by the presence or absence of store hours regulation. We believe a sunset clause or automatic expiry date for the legislation is needed to ensure the Saskatchewan public that its elected leaders will review this area in depth within a few years to meet these concerns.

Accordingly, we make the following recommendation.

Recommendation 12

The government should incorporate a "sunset clause" in the new Bill that would cause the new legislation on store hours to expire three years after the Bill comes into force.

LIST OF RECOMMENDATIONS

Recommendation 1

The government should pass legislation to ensure a moderate and uniform system of store hours regulation throughout Saskatchewan.

Recommendation 2

The provincial government should:

a) **assume the entire responsibility for regulating and enforcing store hours legislation;**
b) **ensure that the Department of Justice is allocated sufficient human and financial resources to carry out this new task; and**
c) **strengthen the penalty provisions of the legislation to provide for minimum fines and fines that escalate according to the gross sales of the store opening contrary to the legislation.**

Recommendation 3

Provincial legislation should be passed to permit all retail stores throughout Saskatchewan to remain open between l:00 p.m. and 5:00 p.m. on Sundays. However, all stores except those under 500 square metres in size should be required to close from midnight on Saturday to l:00 p.m. on Sunday and from 5:00 p.m. on Sunday to midnight on Sunday. The new legislation shall retain the existing Sabbatarian exemption.

Recommendation 4

The province should regulate and enforce store hours on holidays to be listed in revamped legislation and stores over 500 metres in size should be required to close. The existing provision allowing municipalities to declare Boxing Day a civic holiday for the purpose of closing stores should be repealed.

Recommendation 5

New store hours legislation should not restrict weekday or weekday evening shopping in any way.

Recommendation 6

Legislation should continue to offer protection to stores located in shopping malls.

Recommendation 7

The government should give adequate emphasis to shopping opportunities that exist in Saskatchewan in its tourism promotion activities.

Recommendation 8

The government should develop an information program outlining the social benefits, such as medicare, accruing to Saskatchewan residents when shopping at home, not to mention assisting our retail sector.

Recommendation 9

The government should consider solutions to problems posed by the high proportion of part time workers in the retail sector in its upcoming review of the minimum wage and part time employment. The government should also consider the question of ensuring a salary premium for retail employees who work on Sundays.

Recommendation 10

The government should ensure that part time retail employees and their employers make mandatory contributions to the Saskatchewan Pension Plan in order to provide a measure of financial security in retirement for retail employees in addition to that provided by the Canada Pension Plan.

Recommendation 11

The government should work with small retail businesses, co-operatives and employees to initiate educational and related programs, offered on a regional basis, to assist the small retail sector to achieve the best possible level of marketing and service.

Recommendation 12

The government should incorporate a "sunset clause" in the new Bill that would cause the new legislation on store hours to expire three years after the Bill comes into force.

APPENDIX 1

STORE HOURS IN SASKATCHEWAN CITIES

CITY	SUNDAY SHOPPING	HOLIDAY SHOPPING		EVENING SHOPPING	LOCAL ENFORCEMENT		
		10 Public Holidays*	Boxing Day (Civic Holiday)*		On Sunday	On 10 Public Holidays	Boxing Day (Civic Holiday)
Saskatoon	Open	Open	Closed	Open	No	No	Yes
Regina	Open	Open	Closed	Open	No	No	No
Moose Jaw	Open	Open	Closed	Open	No	No	Unclear
Prince Albert	Open	Closed	Closed	Open	No	Yes	Yes
Yorkton	Open	Open	Open	Open	No	No	No
Estevan	Open	Open	Open	Open	No	No	No
Weyburn	Open	Open	Closed	Open	No	No	No
Lloydminster	Open	Open	Open	Open	No	No	No
Melville	Open	Open	Open	Open	No	No	No
Swift Current	Closed	Closed	Open	Thurs.eve. shopping	Yes	Yes	No
North Battleford	Closed	Closed	Closed	Thurs. & Fri.eve. for groceries	Yes	Yes	Yes
Melfort	Closed	Closed	Closed	Thurs.eve. shopping	Yes	Yes	Yes

* The Urban Municipality Act, 1984 lists 10 public holidays on which all stores must close unless a municipal bylaw permits them to open. One city (Estevan) permits all stores to open on these 10 holidays while 8 more cities have "open" holiday shopping because they do not enforce the closing provisions of provincial legislation.
In addition, the Act states that all stores must close on any day proclaimed by the municipality as a civic holiday. Seven cities use this device to require stores to close on Boxing Day.

Source: Saskatchewan Community Services
December 2, 1991

APPENDIX 2(a) ORAL SUBMISSIONS

Battlefords Chamber of Commerce Sandberg, Susan, President	North Battleford	February 26, 1992
Battlefords Ministerial Association Gaudet, Luke	North Battleford	February 26, 1992
Canadian Tire Association Store Walker, Gerald	North Battleford	February 26, 1992
Canadian Federation of Independent Grocers Lanovaz, Lawrence	Saskatoon	February 27, 1992
City of Moose Jaw Mitchell, Don	Moose Jaw	March 4, 1992
City of North Battleford Hillson, Jack	North Battleford	February 26, 1992
City of North Battleford Shaw, Maurice A.	North Battleford	February 26, 1992
City of Estevan Empey, John	Estevan	March 2, 1992
Consumers' Association of Canada Robinson, Ruth and Judy Russell	Saskatoon	February 27, 1992
Estevan Chamber of Commerce Goodmanson, Bill	Estevan	March 2, 1992
Estevan Labour Council Morrison, Doug	Estevan	March 2, 1992
Estevan Ministerial Association Von Heyking, Al	Estevan	March 2, 1992
Glover, Charles	Swift Current	February 24, 1992
Hudson's Bay Co. and Zellers Jopling, Roy	Saskatoon	February 27, 1992
Independent Convenience Outlets McGinnis, Don	North Battleford	February 26, 1992
Jomski, Henry	North Battleford	February 26, 1992
Kubas Consultants Kubas, Leonard	Moose Jaw	March 4, 1992

Logan's Audio Video Logan, John	North Battleford	February 26, 1992
North Battleford & District Labour Council Pidwerbeski, Greta	North Battleford	February 26, 1992
Pratt, Bill	Regina	March 3, 1992
Prince Albert Co-op Association Ltd. Pearson, Wayne A.	Prince Albert	February 19, 1992
Ray, Wayne	North Battleford	February 26, 1992
Regina Chamber of Commerce Crone, Sherry	Regina	March 3, 1992
Regina's Market Square Monkhouse, Lowell	Regina	March 3, 1992
Regina & District Labour Council Torgerson, Ron	Regina	March 3, 1992
Regina Action Committee Megaw, Paul	Regina	March 3, 1992
Retail, Wholesale, Department Store Union Haughey, Brian	Regina	March 3, 1992
Retail Wholesale Department Store Union Kirkham, Brenda	Yorkton	February 20, 1992
Retail Wholesale Department Store Union Combres, Leonard	North Battleford	February 26, 1992
Richards, Jim	Melfort	February 18, 1992
Safeway Hodson, Doug	Moose Jaw	March 4, 1992
Saskatchewan Federation of Labour Byers, Barb	Regina	March 3, 1992
Sharp, W. D. (Bud)	Moose Jaw	March 4, 1992
St. Mary's Parish Ratushniak, Len	Yorkton	February 20, 1992
Superstore Seiferling, Larry	Moose Jaw	March 3, 1992
Swift Current Chamber of Commerce Godfrey, Peter	Swift Current	February 24, 1992

UFCW Local 1400		
Jones, Carolyn	Saskatoon	February 27, 1992
Ukranian Catholic Women's League		
Sonjpawliu, Sonya	Yorkton	February 20, 1992
Wallace, Glen	Swift Current	February 24, 1992
Zellers		
Westover, David	Regina	March 3, 1992

APPENDIX 2(b) WRITTEN SUBMISSIONS

Assiniboia Merchants Association	Assiniboia, Saskatchewan
Backus, Joe M.	North Battleford, Saskatchewan
Battlefords and District Co-operative Ltd. Territorial Place Mall	North Battleford, Saskatchewan
Baumbach, Barbara M.	Moose Jaw, Saskatchewan
Beaudry, Mrs. C.	Saskatoon, Saskatchewan
Beaudry, Wilf	Saskatoon, Saskatchewan
Bi-Rite Drugs Ltd. Mitchell, Gary, President	Regina, Saskatchewan
Boyd, Mr. and Mrs. Sterling	Melfort, Saskatchewan
Burg, Caroline	Saskatoon, Saskatchewan
Burlock, Helen	Melfort, Saskatchewan
Cadillac Fairview Corporation Ltd.	Regina, Saskatchewan
Canadian Federation of Independent Grocers	Edmonton, Alberta
Canadian Retail Hardware Association	Mississauga, Ontario
Canadian Tire - Estevan	Estevan, Saskatchewan
Carley, Reverend John D.	Moose Jaw, Saskatchewan
Carol's Gift and Kitchen Centre Ltd.	Regina, Saskatchewan
Circle Drive Alliance Church	Saskatoon, Saskatchewan
City of Yorkton Mayor Ben Weber	Yorkton, Saskatchewan
City of Regina	Regina, Saskatchewan
City of Prince Albert	Prince Albert, Saskatchewan
City of Saskatoon	Saskatoon, Saskatchewan
Coalition Against Sunday Shopping	Regina, Saskatchewan
Diamonds of Detroit	Humboldt, Saskatchewan

Downtown Merchants Association - Betty Ann Latrace-Henderson	Saskatoon, Saskatchewan
Downtown Merchants Association - Mr. Dale Rochelle	Saskatoon, Saskatchewan
Eagle Stationery Ltd.	Prince Albert, Saskatchewan
Edelweiss Florist	Humboldt, Saskatchewan
Estevan Ministerial Association	Estevan, Saskatchewan
Estevan Evangelical Ministerial	Estevan, Saskatchewan
Fehr, Gordon and Rose	Saskatoon, Saskatchewan
Floyd, Lynne	Fairy Glen, Saskatchewan
Gasper, R. J.	Marquis, Saskatchewan
Golden Mile Shopping Centre	Regina, Saskatchewan
Green, Reverend Howard E.	Prince Albert, Saskatchewan
Halderman, Barret D.	Humboldt, Saskatchewan
Halvorsen, Mrs. Inez	Melfort, Saskatchewan
Hazelwood, N. M.	Prince Albert, Saskatchewan
Hillrich, J. R.	
Humboldt & District Clergy Council St. Augustine's Parish	Humboldt, Saskatchewan
Kaytor, Marion	Saskatoon, Saskatchewan
Knox Presbyterian	Yorkton, Saskatchewan
Kobylka, E. R.	Yorkton, Saskatchewan
Larson, Dorothy	Naicam, Saskatchewan
MacPherson Leslie & Tyerman Barristers & Solicitors	Saskatoon, Saskatchewan
Masse, Jeanne	Humboldt, Saskatchewan
Mathieson, Carol	Regina, Saskatchewan
Meili, Phyllis E.	Moose Jaw, Saskatchewan

Monograms Just For You	Saskatoon, Saskatchewan
Nipawin & District Chamber of Commerce	Nipawin, Saskatchewan
Nyberg, Lorne	Moose Jaw, Saskatchewan
Oystrick, Mavis	Yorkton, Saskatchewan
Postlewaite, W.	Saskatoon, Saskatchewan
Prince Albert Daily Herald	Prince Albert, Saskatchewan
Richards, James E.	Melfort, Saskatchewan
Rivers, Stanley	Moose Jaw, Saskatchewan
Saskatchewan Health Care Association	Regina, Saskatchewan
Saskatchewan Urban Municipalities Association	Regina, Saskatchewan
Schermann, E.	Nipawin, Saskatchewan
St. Patrick's Parish	Sturgis, Saskatchewan
Metz, T. D.	Regina, Saskatchewan
The Key Stop	Saskatoon, Saskatchewan
Tisdale & District Chamber of Commerce	Tisdale, Saskatchewan
Tourism Moose Jaw	Moose Jaw, Saskatchewan
Town of Naicam	Naicam, Saskatchewan
Town of Foam Lake	Foam Lake, Saskatchewan
Town of Humboldt	Humboldt, Saskatchewan
Town of Hafford	Hafford, Saskatchewan
Town of Oxbow	Oxbow, Saskatchewan
Town of St. Walburg	St. Walburg, Saskatchewan
Ullman, Brian and Ruth	Saskatoon, Saskatchewan
United Food & Commercial Workers Local 1400	Saskatoon, Saskatchewan
Village of Paynton	Paynton, Saskatchewan

Village of Spy Hill	Spy Hill, Saskatchewan
Village of Pelly	Pelly, Saskatchewan
Village of Grayson	Grayson, Saskatchewan
Weyburn Chamber of Commerce	Weyburn, Saskatchewan